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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Bentley Craig

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER

WONG, ERIC TAK WAI

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,168	Applicant(s) CRAIG ET AL.	
	Examiner ERIC T. WONG	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-10,24,26,27,30 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-10, 24, 26-27, 30, 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-5, 8, 24, 26-27, 30, 44, 46-48, 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Chow (US PG-Pub 2002/0156720) in view of Bhuyan (US Patent No. 7,158,998).

Regarding claims 1 and 51, Chow teaches receiving personal information relating to the customer at a middleware tier comprising at least one transaction and database server, wherein said middleware tier is operatively coupled to said host processing system and to said web server (see FIG.1). Examiner asserts application server 120 is "middleware" and database 112, workflow system 150, security processing system 190, etc. are host processing systems. Support for this assertion can be found in Dinker (US Patent 6,944,788) for example. Dinker describes that application server space is often referred to as "middleware" and that application

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servers may provide services for performing various types of e-commerce transactions (see FIG.1, column 1 lines 24-29, column 3 lines 20-27).

Chow further teaches determining an available account number; associating personal information with said available account number to create an electronic record; storing said electronic record in a repository to establish an electronic account relating to said customer; receiving transaction instructions from said customer relating to said electronic account; utilizing said electronic account, executing said transaction instructions (see abstract).

Chow does not teach determining that said host processing system is unavailable, storing the electronic record in a temporary repository, receiving and executing said transaction instructions, creating a log of executed transactions associated with said electronic account; determining that said host processing system is available; retrieving said transactions from said temporary repository; and copying said transactions to said host processing system.

Bhuyan teaches determining that a database system is unavailable, storing the electronic record in a temporary repository, receiving and executing transaction instructions, and creating a log of executed transactions, determining that said host processing system is available, retrieving said transactions from said temporary repository; and copying said transactions to said host processing system (see abstract).

It would have been obvious to modify Chow to include determining that said host processing system is unavailable, storing the electronic record in a temporary repository, receiving and executing said transaction instructions, creating a log of executed transactions associated with said electronic account; determining that said host processing system is available; retrieving said transactions from said temporary repository; and copying said transactions to said host processing system. One skilled in the art would have been motivated to make the modification to achieve redundancy.

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Regarding claim 4, Chow teaches new account transactions and Bhuyan teaches storing transactions in a temporary repository. The creation of a new account queue in the temporary repository is a result of the combination made in the rejection of claim 1 (see above).

Regarding claim 5, Chow teaches wherein said electronic account is extracted from an inventory of blank electronic accounts (see paragraph 33).

Regarding claim 8, Chow teaches wherein said host processing system comprises an online account management system selected from the group consisting of a brokerage management system, a mutual fund management system, an annuity management system, a financial account processing system, a mutual fund wrap management system, a separate managed account system, a deposit account management system, and a loan account management system.

Regarding claims 24, 26-27, 30, 44, 46-48, the claims are drawn to systems or computer-readable mediums associated with the method claims discussed above and are therefore rejected based upon similar reasons.

4. Claims 3 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Bhuyan, further in view of Rousseau (US PG-Pub 2002/0165815 A1, cited in prior Office action).

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Regarding claims 3 and 45, Chow does not teach wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available. Rousseau teaches wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available (see abstract, paragraph 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Chow further with wherein said available account number is calculated through application of a computer algorithm matching that utilized by said host processing system when said system is available. One skilled in the art would have been motivated to make the modification to avoid duplicate account numbers.

5. Claims 9-10 and 49-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Bhuyan, further in view of Applicant admission of prior art.

Regarding claims 9 and 49, Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to keep track of how many items are in a queue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial system of Chow further to include providing counting means for recording the number of accounts created during system unavailability. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program in order to copy logged transactions).

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Regarding claims 10 and 50, Applicant admission of prior art teaches that it was old and well known in the art at the time of invention to reset counting means. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the financial system of Chow further to include resetting said counting means upon system availability. One skilled in the art would have been motivated to make the modification because it is useful to know how many items there are to process (eg. for using a counter in a loop in a computer program in order to copy logged transactions).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG
Examiner
Art Unit 3693

11/5/2008